

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

U.S. BANK, NATIONAL ASSOCIATION,

Plaintiff

v.

FIDELITY NATIONAL TITLE GROUP,  
INC., et al.,

Defendants

Case No.: 2:21-cv-01186-APG-BNW

**Order Denying Motion to Stay, Denying  
Motion to Supplement, and Denying as  
Moot Motion to Strike**

[ECF Nos. 5, 39, 44]

Defendants Fidelity National Title Group, Inc., Chicago Title Insurance Company, and Ticor Title Agency of Nevada, Inc. moved to stay the case pending the Ninth Circuit's ruling on *Wells Fargo Bank, N.A. v. Fidelity National Title Ins. Co.*, case number 19-17332. ECF No. 5. While the motion was pending, the Ninth Circuit issued its ruling in that case and the mandate has issued. I therefore deny the motion to stay as moot.

The defendants thereafter filed a supplemental motion to stay the case, this time based on a similar case pending before the Supreme Court of Nevada, *PennyMac Corporation v. Westcor Land Title Insurance Company*, case number 83737. ECF No. 39. Plaintiff U.S. Bank, N.A. moves to strike the supplemental motion as not compliant with the Local Rules. ECF No. 44.

I deny the supplemental motion to stay. *See Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005); *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936). The opening brief in the case before the Supreme Court of Nevada is not due for another 60 days. Thus, it is likely a stay would be lengthy while the briefing is completed, the matter is set for oral argument, and a decision is rendered.

1 The more expeditious, efficient, and just resolution of this case counsels in favor of  
2 completing discovery rather than staying the case entirely. Dispositive motions are not due until  
3 June 27, 2022. ECF No. 36. While the parties may want to revisit a stipulation to stay  
4 dispositive motions at that point depending on the progress of *PennyMac* before the Supreme  
5 Court of Nevada, a complete stay of the case at this time is unwarranted. Because I deny the  
6 supplemental motion to stay, I deny the motion to strike as moot.

7 I THEREFORE ORDER that the defendants' motion to stay (ECF No. 5) is **DENIED**.

8 I FURTHER ORDER that the defendants' supplemental motion to stay (ECF No. 39) is  
9 **DENIED**.

10 I FURTHER ORDER that the plaintiff's motion to strike (ECF No. 44) is **DENIED as**  
11 **moot**.

12 DATED this 13th day of January, 2022.

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15 ANDREW P. GORDON  
16 UNITED STATES DISTRICT JUDGE  
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